

## Message Text

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ACTION DLOS-06

INFO OCT-01 ARA-06 IO-13 ISO-00 ACDA-07 AGR-05 AID-05

CEA-01 CEQ-01 CG-00 CIAE-00 CIEP-01 COME-00 DODE-00

DOT-00 EB-07 EPA-01 ERDA-05 FEAE-00 FMC-01 TRSE-00

H-02 INR-07 INT-05 JUSE-00 L-03 NSAE-00 NSC-05 NSF-01

OES-06 OMB-01 PA-01 PM-04 PRS-01 SP-02 SS-15 USIA-06

SAL-01 AF-08 EA-07 EUR-12 NEA-10 /157 W  
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R 091300Z AUG 76

FM AMEMBASSY BRASILIA

TO SECSTATE WASHDC 7230

INFO USMISSION USUN NEW YORK

AMCONSUL RIO DE JANEIRO

AMCONSUL SAO PAULO

C O N F I D E N T I A L SECTION 1 OF 2 BRASILIA 6947

E.O. 11652: GDS

TAGS: PLOS, EMIN, BR

SUBJ: LOS: REPRESENTATION ON HIGH SEAS STATUS OF THE ECONOMIC  
ZONE; GOB OUTLOOK FOR THE LOS NEGOTIATIONS

REF: (A) STATE 187929, (B) BRASILIA 3762, (C) BRASILIA 6849

1. SUMMARY. POLCOUNS MADE REPRESENTATION SOUGHT IN REF A.  
FONMIN OFFICIALS INDICATED NO RPT NO MISUNDERSTANDING OF U.S.  
POSITION. EMBOFFS TOOK THE OPPORTUNITY TO QUERY THE OFFICIALS ON  
THE GOB'S OUTLOOK FOR THE LOS NEGOTIATIONS. THE OFFICIALS  
MADE SEVERAL SPECIFIC OBSERVATIONS: (A) THE RSNT SHOULD BE  
ALTERED TO PROVIDE FOR A "STRONG ECONOMIC ZONE" WITH MOST  
RESIDUAL RIGHTS FALLING TO THE COASTAL STATE; THIS ISSUE  
MIGHT BE RESOLVED THROUGH "LISTS" WHICH ENUMERATE RIGHTS IN  
THE ZONE; (B) THE RSNT PROBABLY WOULD BE CHANGED TO REQUIRE  
"PRIOR CONSULTATIONS" FOR ALL SCIENTIFIC RESEARCH; ONE OFFICIAL  
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SAID, HOWEVER, THAT AN ENLARGEMENT OF SAFEGUARDS (PRESUMABLY IN

THE PRESENT LANGUAGE) WOULD BE A POSITIVE STEP; (C) AN ACCEPTABLE DEEP SEABED MINING REGIME SHOULD REDUCE THE IMPORTANCE OF THE QUESTION OF VOTING AND COMPOSITION OF THE SEABED COUNCIL. OFFICIALS SUGGESTED THE USG WOULD BEAR A "GREAT ONUS" IF THE CURRENT SESSION WERE TO FAIL; THEREFORE US SHOULD BE FLEXIBLE. OFFICIALS FORESAW TWO MORE SESSIONS AFTER THE CURRENT ONE. THEY SPECULATED THAT THE FINAL TEXT WOULD HAVE SEABED MINING PROVISIONS FAVORABLE TO U.S., BUT AT A "GREAT COST" IN COASTAL STATE JURISDICTION OVER ECONOMIC ZONE. OFFICIALS ASKED EMBOFFS TO RETURN LATER WITH USG COMMENTS ON THE REVISED SNT. POLCOUNS RECOMMENDED ALTERNATIVELY AN EXCHANGE OF VIEWS BETWEEN DELEGATIONS IN NEW YORK. END SUMMARY.

2. ON AUGUST 2 ACTING POLCOUNS AND ECONOFF MET WITH COUNSELOR MARCOS AZAMBUJA, CHIEF OF THE FOREIGN MINISTRY'S UNGA DIVISION, AND SECOND SECRETARY FLAVIO PERRI, A SPECIAL ASSISTANT TO THE SECRETARY GENERAL OF THE FOREIGN MINISTRY, TO MAKE REF A PRESENTATION AND TO TAKE THE OPPORTUNITY TO QUERY THE OFFICIALS ABOUT THE GOB'S OUTLOOK FOR THE LOS NEGOTIATIONS. THIS CONVERSATION TOOK PLACE PRIOR TO THE ONE BETWEEN THE FOREIGN MINISTER, THE SECRETARY GENERAL, ASSISTANT SECRETARY LEWIS, AND THE AMBASSADOR (REF C).

3. REGARDING REF A PRESENTATION, AZAMBUJA INDICATED NO REPEAT NO MISUNDERSTANDING OF THE U.S. POSITION. BRAZILIANS WERE NOT AWARE OF EUR WIRELESS FILE VERSION OF AMBASSADOR LEARSON'S STATEMENT.

4. COASTAL STATE JURISDICTION. AZAMBUJA OBSERVED THAT THE REVISED SINGLE NEGOTIATING TEXT (RSNT) SHOULD BE CHANGED TO GIVE COASTAL STATES GREATER JURISDICTION IN THE ECONOMIC ZONE, E.E., A "STRONG ECONOMIC ZONE" IN WHICH COASTAL STATES HAD RESIDUAL RIGHTS EXCEPT FOR CONSIDERABLE (ALTHOUGH NOT COMPLETE) LIBERALITY FOR NAVIGATION AND OVERFLIGHT. HE ADDED THAT OVERFLIGHT, BEING MORE SENSITIVE, MERITED A LITTLE LESS LIBERALITY THAN NAVIGATION. EVEN THOUGH THE US, ON THE QUESTION OF THE JURIDICAL REGIME IN THE ECONOMIC ZONE, STILL SEEMS TO SEE THE CHOICE AS BETWEEN HIGH SEAS AND TERRITORIAL SEAS, AZAMBUJA OBSERVED, THE CONFERENCE WAS MOVING TO SOMETHING IN BETWEEN (HE SUGGESTED TERM "NATIONAL SEA" BUT CONFIDENTIAL

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REFUSED TO CALL IT "SUI GENERIS"), AND THIS PERHAPS WAS THE BEST MARK OF PROGRESS IN THE CONFERENCE. HE SPECULATED THAT THE ISSUE WOULD BE RESOLVED THROUGH "LISTS" WHICH WOULD ENUMERATE SPECIFIC RIGHTS IN THE ECONOMIC ZONE.

5. MARINE SCIENTIFIC RESEARCH. AZAMBUJA REITERATED BRAZIL'S WELL-KNOWN OPPOSITION TO "NOTIFICATION" FOR NON-ECONOMIC RESEARCH RATHER THAN "PRIOR CONSULTATIONS," THE

OPPOSITION BEING BASED ON: (A) THE INABILITY, EVEN THROUGH ARBITRATION, TO DISTINGUISH "PURE" FROM "APPLIED" RESEARCH, ESPECIALLY SINCE SPIN-OFFS OF "PURE" RESEARCH MIGHT HAVE ECONOMIC IMPLICATIONS, AND (B) THE LACK OF CAPACITY OF MANY LDCS, EVEN WITH ASSISTANCE FROM DC'S, TO EVALUATE THE RESULTS OF RESEARCH UNDERTAKEN IN THEIR ECONOMIC ZONES. HE THOUGHT THE RSNT WOULD BE ALTERED TO REQUIRE PRIOR CONSULTATIONS FOR ALL RESEARCH, "ALTHOUGH THIS WOULD REQUIRE HARD WORK. PERRI THEN INTERJECTED HIS "PERSONAL VIEW" THAT ENLARGEMENT OF SAFEGUARDS (PRESUMABLY IN THE PRESENT TEXT) WOULD REPRESENT A "POSITIVE STEP." AZAMBUJA, RETURNING TO THE CONCEPT OF PRIOR CONSULTATIONS, SAID THAT BRAZIL WOULD FORESEE NEGOTIATING BILATERAL AGREEMENTS FOR RESEARCH, FOR INSTANCE WITH THE U.S. (COMMENT. THE PARALLELS THE THEME IN REF B, PARA 6.) HE SAID THAT HE "COULD NOT IMAGINE" BRAZILIAN VETOS OVER U.S. RESEARCH IN BRAZIL'S ZONE, AND THAT THE CURRENT PRIOR APPROVAL PROCESS, EVEN THOUGH IT OFTEN INVOLVES DELAYS, WORKS ADEQUATELY.

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INFO OCT-01 ARA-06 IO-13 ISO-00 ACDA-07 AGR-05 AID-05

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R 091300Z AUG 76

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C O N F I D E N T I A L SECTION 2 OF 2 BRASILIA 6947

6. DEEP SEABEDS REGIME. AZAMBUJA SAID THE MOST IMPORTANT TASK FOR COMMITTEE I WAS TO ESTABLISH AN ACCEPTABLE DEEP SEABED MINING REGIME, AND THIS WOULD RENDER VOTING IN THE SEABED COUNCIL "PROCEDURAL," THUS REDUCING THE IMPORTANCE OF THE QUESTION OF VOTING AND COMPOSITION OF THE COUNCIL. HE JUDGED THAT IT WOULD BE A MISTAKE TO RELY ON SETTling FUTURE SUBSTANTIVE DIFFERENCES ON SEABED QUESTIONS BY MEANS OF ESTABLISHING CERTAIN "PROCEDURAL" CHARACTERISTICS OF THE COUNCIL. REGARDING THE ISSUES OF PARTICIPATION BY THE SEABED AUTHORITY IN COMMODITY AGREEMENTS, AND OF PROTECTION FOR LAND-BASED NICKEL PRODUCERS, AZAMBUJA CALLED THE RSNT LANGUAGE "REASONABLE, ALTHOUGH A FEW MINOR CHANGES ARE NEEDED." PERRI COMMENTED FAVORABLY ON THE USEFULNESS OF THE "SECRET BRAZIL GROUP" IN COMMITTEE I.

7. ROLE OF G-77. AZAMBUJA OBSERVED THAT THE G-77 COUNTRIES  
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ARE BEHAVING WITH MORE RESTRAINT AND PRAGMATISM IN THE LOS NEGOTIATIONS THAN THEY USUALLY DO IN UNGA, BUT HE BELIEVED THERE REMAINED A PROBLEM OF HOW TO DEAL WITH THEM SINCE THEY LACK DISCIPLINE, MATURITY, AND EXPERIENCE. "WE CANNOT ALIENATE THE G-77 COUNTRIES," AZAMBUJA REITERATED SEVERAL TIMES.

8. SUCCESS OF THE LOS NEGOTIATIONS. PERRI EXPRESSED CONCERN THAT THE CURRENT SESSION MIGHT FAIL BECAUSE U.S. ELECTION PRESSURES WOULD TEND TO MAKE RIGID THE U.S. POSITION. AZAMBUJA SAID "LEADERSHIP REQUIRED TO MAKE TOUGH DECISIONS CANNOT BE EXERCISED." AZAMBUJA ALSO COMMENTED THAT, IN THE EVENT OF A FAILURE, THE U.S. WOULD BEAR A "GREAT ONUS," AND HE STRESSED THE IMPORTANCE OF HELPING ASSURE SUCCESS THROUGH A SHOW OF U.S. FLEXIBILITY, ESPECIALLY ON DEEP SEABED ISSUES, OR AT LEAST ON ONE OF THE OTHER MAJOR ISSUES. POLCOUNS REPLIED FLEXIBILITY IS REQUIRED OF ALL PARTIES AND QUESTIONED THE JUDGEMENT OF "ONUS" SINCE IT WAS WELL KNOWN THAT MOUNTING PRESSURES FOR UNILATERAL ACTION, WHICH HAD HELPED SPUR THE U.S. TO CALL FOR THE CURRENT SESSION, WERE COMING NOT ONLY FROM GROUPS IN THE U.S. BUT FROM OTHER COUNTRIES. HE EMPHASIZED THAT THE U.S. COMMITMENT TO MOMENTUM IN THE LOS NEGOTIATIONS REMAINED VERY STRONG, AS THE SECRETARY HAD MADE CLEAR. HE FURTHER POINTED OUT THAT INTERNATIONAL CONFERENCES, WHENEVER HELD, ALWAYS RUN THE RISK OF OVERLAPPING AND INTERACTING WITH POLITICAL EVENTS IN SOME PARTICIPANT COUNTRIES.

9. TACTICS. AZAMBUJA EXPRESSED A PREFERENCE FOR "LOSING MORE TIME IN NEGOTIATIONS IN ORDER TO INCREASE THE NUMBER OF RATIFICATIONS." HE FORESAW TWO MORE NEGOTIATING SESSIONS FOLLOWING THE CURRENT SESSION.

10. THE TREATY. AZAMBUJA PREDICTED THAT THE FINAL NEGOTIATED TEXT WOULD GIVE THE U.S. AND OTHER DC'S "THEIR WAY, BY-AND-LARGE AND FOR A TIME" ON DEEP SEABED MINING, BUT AT A "GREAT COST" IN COASTAL STATE JURISDICTION OVER THE ECONOMIC ZONE. HE FORESAW THAT THE TEXT WOULD ESTABLISH A "STRONG ECONOMIC ZONE" BUT NOT A 200-MILE TERRITORIAL SEA. "IF THE CONFERENCE WERE TO FAIL, HOWEVER, THE TERRITORIAL SEA POSITION WOULD PREDOMINATE." AZAMBUJA SPECULATED THAT NO MAJOR COUNTRY WOULD REFUSE TO RATIFY  
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THE FINAL NEGOTIATED TEXT IN VIEW OF THE RAMIFICATIONS OF SUCH AN ACTION.

11. REQUEST FOR U.S. VIEWS. PERRI ASKED WHETHER EMBOFFS COULD RETURN IN 10 - 15 DAYS WITH AN ELABORATION OF U.S. VIEWS ON THE RSNT PARTICULARLY THE SECTION ON DEEP SEABED MINING. HE NOTED THAT THOMPSON-FLORES (BRAZIL'S DCM IN WASHINGTON) SEEMED NOT TO HAVE BEEN IN TOUCH RECENTLY WITH USG DELEGATES DEALING WITH COMMITTEE I NEGOTIATIONS. POLCOUNS REPLIED THAT AN EXCHANGE OF VIEWS MIGHT BEST OCCUR BETWEEN THE EXPERTS IN NEW YORK. PERRI INTIMATED THAT HE WAS UNSURE.  
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## Message Attributes

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**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
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**Copy:** SINGLE  
**Draft Date:** 09 AUG 1976  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
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**Disposition Approved on Date:**  
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**TAGS:** PLOS, EMIN, BR, US, LOS  
**To:** STATE  
**Type:** TE  
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